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August 31, 2020

File No. 11414.813

**VIA ECF**

The Honorable John G. Koeltl  
United States District Court for the  
Southern District of New York  
United States District Judge  
500 Pearl Street  
New York, New York 10007

Application granted. The parties should submit the settlement agreement and an explanation of the fair and reasonable nature of the settlement in both cases, together with the supporting documentation with respect to any request for attorney's fees by September 25, 2020.

**SO ORDERED.**

New York, NY  
September 2, 2020

/s/ John G. Koeltl  
John G. Koeltl

Re: *DiMauro v. 189 Chrystie Street Partners, LP et al.*  
Docket No. 1:20-cv-02619-JGK

Dear Judge Koeltl:

We represent Defendants 189 Chrystie Street Partners, LP d/b/a The Box NYC, Variety Worldwide, LLC, Simon Hammerstein, and Javier Vivas in the above-referenced matter. We jointly write, along with Plaintiff's counsel, to request that the Court consolidate the above-referenced matter, which was filed on March 27, 2020, with the companion case captioned *Ulwick v. 189 Chrystie Street Partners, LP et al.*, 1:20-cv-02660-KPF (the "Ulwick litigation"), which was subsequently filed on March 30, 2020, for purposes of seeking approval of the parties' settlement agreements.

This action and the Ulwick litigation were both brought by former waitstaff employees of Defendants who assert identical claims against the same set of Defendants. This action and the Ulwick litigation were mediated together through the Court's mediation program on August 13, 2020 and a global settlement in principle was reached on August 20, 2020. As plaintiffs in both actions assert claims under the Fair Labor Standards Act, judicial approval of the parties' settlement is required under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). Given the identical claims and parties, it would be in the interest of judicial economy to have both cases consolidated for purposes of approving the settlement. This will eliminate the possibility of inconsistent rulings and streamline the settlement process.

Accordingly, the parties respectfully request that the Court consolidate the two cases pursuant to Fed. R. Civ. P. 42(a)(2) so that the parties can file a single motion for approval of the settlement agreements.

The Honorable John G. Koeltl  
August 31, 2020  
Page 2

We thank the Court for its attention to this matter.

Respectfully,

/s/ Brian Pete

Brian Pete of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

cc: All Counsel of Record (via ECF)

The Honorable Katherine Polk Failla  
United States District Court  
(via ECF)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIELE DIMAURO,

Case No. 1:20-cv-02619 (JGK)

Plaintiff,

-against-

189 CHRYSTIE STREET PARTNERS,  
LP (d/b/a “The Box NYC”); VARIETY  
WORLDWIDE, LLC; SIMON  
HAMMERSTEIN (in his individual  
and professional capacities);  
JAVIER VIVAS (in his individual and  
professional capacities); JOHN  
DOES 1-10, and XYZ CORPS. 1-10,

Defendants.

-----X

-----X

CASSANDRA ULWICK,

Plaintiff,

Case No. 1:20-cv-02660 (KPF)

-against-

189 CHRYSTIE STREET PARTNERS,  
LP (d/b/a “The Box NYC”); VARIETY  
WORLDWIDE, LLC; SIMON  
HAMMERSTEIN (in his individual  
and professional capacities);  
JAVIER VIVAS (in his individual and  
professional capacities); JOHN  
DOES 1-10, and XYZ CORPS. 1-10,

Defendants.

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**ORDER**

THIS CAUSE is before the Court on the parties' joint letter motion to consolidate the above-captioned matters. The Court finds good cause to GRANT the Joint Letter Motion.

The Court ORDERS that the above-captioned *DiMauro* and *Ulwick* cases shall be consolidated pursuant to Fed. R. Civ. P. 42(a)(2).

SO ORDERED, this \_\_\_\_\_, day of \_\_\_\_\_, 2020.

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HON. JOHN G. KOELTL  
UNITED STATES DISTRICT JUDGE